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**COPY MAILED**

**AUG 23 2006**

In re Application of	:	<b>OFFICE OF PETITIONS</b>
Shahinpoor et al.	:	
Application No. 10/064,729	:	
Filed: August 9, 2002	:	ON PETITION
Title of Invention:	:	
NOVEL ELECTRICALLY ACTIVE	:	
IONIC POLYMER METAL	:	
COMPOSITES AND NOVEL METHODS	:	
OF MANUFACTURING THEM	:	

This is a decision on the Petition to Unabandon and Response to office Action, filed October 17, 2005. The petition is properly treated as a Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181(a). The delay in treating this petition is regretted.

The petition is **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment, mailed December 8, 2004. The Notice set a one (1) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No reply having been received, the application became abandoned January 9, 2005. A Notice of Abandonment was mailed on August 15, 2005.

The instant petition

Applicant requests that the holding of abandonment in this application be withdrawn because Applicant did not receive the Office action.

Applicable Law, Rules and MPEP

Applicant is advised that an allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed. The showing required to establish non-receipt of an Office communication must include:

1. A statement from the Applicant stating that the Office communication was not received by the Applicant and attesting to the fact that a search of the file jacket and docket records indicate that the Office communication was not received.
2. A copy of the file jacket and docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in Applicant's statement.

Accordingly, Applicant's assertion, that the Office action was not received, is insufficient to justify withdrawing the holding of abandonment. Applicant must also attest to the fact that a search of the file jacket and docket records indicate that the Notice was not received, and provide a copy of the docket record (or file jacket) where the non-received Notice would have been entered had it been received and docketed.


Further correspondence with respect to this matter should be addressed as follows:

By mail:           Commissioner for Patents  
                    PO Box 1450  
                    Alexandria, VA 22313-1450

By FAX:           (571) 273-8300  
                    Attn: Office of Petitions

By hand: Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to  
the undersigned at (571) 272-3232.

A handwritten signature in cursive script, appearing to read "Derek L. Woods".

Derek L. Woods  
Attorney  
Office of Petitions